

03-08-07

JSW

1731

Attorney No. HARD1.015A (129843-1022)  
Customer No. 60148

TRANSMITTAL LETTER  
APPLICATION NO. 09/970,389

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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*Sam Jones*

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In re Application of: Donald J. Merkley et al.

Application No.: 09/970,389

Filing Date: October 2, 2001

Group Art Unit: 1731

Examiner: Mark Halpern

For: Method and Apparatus for Reducing  
Impurities in Cellulose Fibers for  
Manufacture of Fiber Reinforced Cement  
Composite Materials

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Enclosed are:

- a postcard acknowledgment for receipt of papers by the U.S. Patent Office;

03/09/2007 CNGUYEN2 00000089 070153 09970389

01 FC:1806 180.00 DA

- this Transmittal Letter (2 pp.);
- Information Disclosure Statement (3 pp.);
- Information Disclosure Statement By Applicant submitted as Form PTO/SB/08A and Form PTO/SB/08B (3 pp.); and
- Copies of five (5) foreign patent documents and eleven (11) nonpatent literature documents.



Please date stamp and return the acknowledgment postcard.

As stated in the Information Disclosure Statement, the Commissioner is authorized to charge \$180 for the fee set forth in 37 C.F.R. §1.17(p). To the extent that any further fees, whatsoever, are required at any time during prosecution of this application, including petition and extension fees, the Commissioner is hereby authorized to charge payment of any additional fees, including any under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17, to Deposit Account No. 07-0153 of Gardere Wynne Sewell LLP (Dallas) and reference Attorney Docket No. 129843-1022.. Please credit any overpayments to this same Deposit Account.

**Please direct all correspondence to the practitioner listed below at Customer No. 60148.**

Respectfully submitted,

*Monique A. Vander Molen*

Monique A. Vander Molen  
Reg. No. 53,716  
Gardere Wynne Sewell LLP  
Thanksgiving Tower  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201-4761  
Telephone: 214.999.3000  
Facsimile: 214.999.3623  
Email: ip@gardere.com  
ATTORNEY/AGENT FOR APPLICANTS

Date: March 6, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Express Mail Certificate Under 37 C.F.R. 1.10

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*San Jones*  
(Signature of person mailing paper)

In re Application of: Donald J. Merkley, et al.  
Application No.: 09/970,389  
Filing Date: October 2, 2001  
Group Art Unit: 1731  
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For: Method and Apparatus for Reducing  
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Manufacture of Fiber Reinforced  
Cement Composite Materials

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97(c)(2), Applicants respectfully submit the documents listed on the attached Forms PTO/SB/08A and Form PTO/SB/08B (3 pp.). Applicants submit this Information Disclosure Statement in compliance with 37 C.F.R. §1.97(c)(2),

as Applicants are filing this Information Disclosure Statement before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by the fee set forth in 37 C.F.R. §1.17(p).

The Commissioner is hereby authorized to charge \$180 for the fee set forth in 37 C.F.R. §1.17(p) as well as the payment of any additional fees, including any under 37 C.F.R. §1.16 or 37 C.F.R. §1.17, to Deposit Account No. 07-0153 and reference Attorney Docket No. 129843-1022. Please credit any overpayments to this same Deposit Account.

Additionally, Applicants respectfully note that two of the submitted documents are Notices of Opposition to the application for Patent No. 01977815.8-2124 in the European Patent Office that corresponds to the present application. The Notices contain the bases for the oppositions to the EPO application, as well as a listing of prior art. All prior art cited in the Notices that have not been previously considered in the present application are being submitted herewith. This submission is meant to serve as notice to the PTO of the existence of the opposition proceedings pursuant to MPEP 2001.06(c).

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the documents listed on the attached forms be considered and cited during examination of the above-identified application for patent. Pursuant to 37 C.F.R. § 1.98, a copy of certain documents are enclosed for the convenience of the Examiner, other than any U.S. patents and U.S. patent application publications. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that

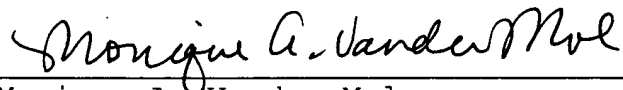
such documents are material to patentability of the present application or that a search has been performed.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner, and shall not be construed as a representation that Applicants or Applicants' representatives have personal knowledge of the contents of the listed art or any events surrounding the listed art.

The Examiner is requested to initial the attached forms, as indicated. It is respectfully requested that the Examiner then return to the undersigned a copy of the initialed and completed Forms that indicate the enclosed documents have been considered in its entirety.

**Please direct all correspondence to the practitioner listed below at Customer No. 60148.**

Respectfully submitted,



Monique A. Vander Molen  
Reg. No. 53,716  
Gardere Wynne Sewell LLP  
Thanksgiving Tower  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201-4761  
Telephone: 214.999.3000  
Facsimile: 214.999.3623  
Email: ip@gardere.com

ATTORNEY/AGENT FOR APPLICANTS

Date: March 6, 2007



Approved for use through 09/30/2006. OMB 0651-0031

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**(Use as many sheets as necessary)**

Sheet 1

of 3

**Complete if Known**

Application Number	09/970,389
Filing Date	October 2, 2001
First Named Inventor	Donald J. Merkley et al.
Art Unit	1731
Examiner Name	Mark Halpern
Attorney Docket Number	129843-1022

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

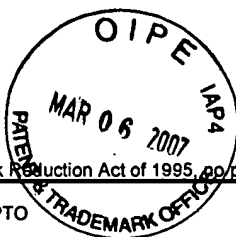
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> ~Number <sup>4</sup> ~Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
		CN 1199116 (abstract)	11-18-1998	Beijing Inst. of Textile Science		
		WO 02/028796 A3	04-11-2002	James Hardie Research Pty Limited		
		JP 11-010631	01-19-1999	Matsushita Denko Kabushik	i Kaisha	
		FR 895184	01-17-1945	Eternit-Werke Ludwig Hats	chek	
		WO 02/18486 A2	03-07-2002	CP Kelco U.S., Inc.		

Examiner Signature		Date Considered	
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/970,389
Filing Date	October 2, 2001
First Named Inventor	Donald J. Merkley et al.
Art Unit	1731
Examiner Name	Mark Halpern
Attorney Docket Number	129843-1022

Sheet 2 of 3

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Paper from Louisiana-Pacific Samoa, Inc. dated May 5, 1999	
		Affidavit of Bill adams, representative of Weyerhaeuser, dated 10-17-1999 and accompanying documents	
		M.D. Campbell and R.S.P. Coutts, Wood Fibre-Reinforced Cement Composites, Journal of Materials Science, Vol. 15, pp. 1962-1970 (1980)	
		R.S.P. Coutts, From Forest to Factory to Fabrication, in Fibre Reinforced Cement and Concrete, ed. R.N. Swamy, E & FN SPON, London, pp. 31-47 (1992)	
		Webster's Third New International Dictionary of the English Language unabridged, ed. Merriam-Webster, Inc. Springfield (1986)	
		Notice of Opposition (filed by Saint Gobain) from the European Patent Office in Application 01977815.8-2124 and translation of Statement of Grounds, Applicant: James Hardie Int., Date: 02-01-2007	
		Notice of Opposition (filed by Redco) from the European Patent Office in Application 01977815.8-2124 and translation of Statement of Grounds, Applicant: James Hardie Int., Date: 12-28-2006	
		Observation filed by Third Party, Redco N.V., in EP No. 04700639.0-1218 dated 08/23/2006	
		Ekman, R., Studies on the Behavior of Extractives in Mechanical Pulp Suspensions; XP-002194276; (1990)	
		Ekman, R., "Studies on the Behavior of Extractives in Mechanical Pulp Suspensions" Nordic Pulp and Paper Research Journal No. 2 (1990) pgs. 2-9	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	09/970,389
Filing Date	October 2, 2001
First Named Inventor	Donald J. Merkley et al.
Art Unit	1731
Examiner Name	Mark Halpern
Attorney Docket Number	129843-1022

Sheet 3

of 3

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Parviz Soroushian, "Development of Specialty Cellulose Fibers and Cementitious Matrices for Cellulose Fiber Reinforced Cement Composites" (39 pp.)	

Examiner  
SignatureDate  
Considered

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